

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lance Gerald Milliman,

Civil No. 05-2993 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Tamarack Court, Inc., Dale Wagner, Gary
Plamann, Dahrla Plamann, Neils, Franz &
Chirhart, and Neil Franz,

Defendants.

Lance Gerald Milliman, 60009 373rd Street., Eden Valley, MN 55329,
plaintiff *pro se*..

Patrick M. O'Donnell, **SMITH, PAULSON, O'DONNELL &
ASSOCIATES**, P.O. Box 668, Monticello, MN 55362, for defendants
Tamarack Court, Inc., Dale Wagner, Gary Plamann and Darhla Plamann.

Keith J. Broady, **LOMMEN, ABDO, COLE, KING & STAGEBERG,
PA**, 80 South Eight Street, Suite 2000, Minneapolis, MN 55402, for
defendants Neils, Franz & Chirhart and Neil Franz.

Based upon the Report and Recommendation of United States Chief Magistrate
Judge Raymond L. Erickson [Docket No. 138], and after an independent review of the
files and records in this case, and on the fact that no objections have been filed to the
Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. That the Plamanns' Motion to Set Aside Entry of Judgment [Docket No. 124] is granted.
2. That the Plaintiff's Motion for Default Judgment [Docket No. 119] is denied, as moot.

DATED: October 24, 2006
At Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge